

# Notice of Agency Rule-making Proposal

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AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board for Licensure of Architects, Landscape Architects and Interior Designers

CHAPTER NUMBER AND TITLE: Chapter 10, Definitions; Chapter 12, Licensure of Architects; Chapter 13, Licensure of Landscape Architects; Chapter 19, Incorporation by Reference

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Carol Leighton, Board Administrator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, tel. (207) 624-8520, email: carol.j.leighton@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Carol Leighton

PUBLIC HEARING (if any): July 17, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: August 20, 2012

BRIEF \*SUMMARY: The amendments to Chapters 10, 12 and 13 revise the definition of “direct supervision” applicable to applicants for licensure as an architect who apply on the basis of office experience as opposed to completion of an internship recognized by the National Council of Architectural Registration Boards (“NCARB”). The amendment to Chapter 12 amends the training categories, training areas and minimum hour requirements applicable to applicants for licensure as an architect who apply on the basis of office experience as opposed to completion of an internship recognized by NCARB. The amendments to Chapters 12, 13 and 19 update references to the educational and experience standards published by NCARB and the Council of Landscape Architectural Registration Board that are relied upon by the board. A copy of the proposed rule may be downloaded from OPOR’s web site at [www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing).

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): none

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STATUTORY AUTHORITY FOR THIS RULE: 32 MRSA §§214(1), 220(1)(B), 220(2)(B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: jeffrey.m.frankel@maine.gov

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\* Check one of the following two boxes.



The above summary is for use in both the newspaper and website notices.



The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

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**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_  
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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# Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Board for Licensure of Architects, Landscape Architects and Interior Designers

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Carol Leighton, Board Administrator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, ME 04333, (207) 624-8520

CHAPTER NUMBER AND RULE TITLE:

Chapter 10.....Definitions

Chapter 12.....Licensure of Architects

Chapter 13.....Licensure of Landscape Architects

Chapter 19.....Incorporation by Reference

STATUTORY AUTHORITY: 32 MRSA §§214(1), 220(1)(B), 220(2)(B)

DATE AND PLACE OF PUBLIC HEARING: July 17, 2012, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: August 20, 2012

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: To reflect the new training categories and training areas in NCARB's revised Intern Development Program Guidelines in Maine's standards for licensure of architects. To reflect NCARB's revision of the "direct supervision" requirement in Maine's standards for licensure of architects.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (PRIMARY SOURCES): NCARB Intern Development Program Guidelines (July 2011); NCARB IDP 2.0/The Interns' Rollover Guide (November 2011); NCARB IDP 2.0: The Final Phase/Debuting at My NCARB 5 April 2012 (Fall 2011 Volume 14 Issue 2); Descriptions of new NCARB IDP training areas on [www.ncarb.org](http://www.ncarb.org); CLARB Standards of Eligibility for Council Certification (2006); professional judgment.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: The amendment to Chapter 12 revises the training area experience distribution requirements for applicants relying on office experience to satisfy the qualifying experience requirement for licensure as an architect. The amendments to Chapters 10, 12 and 13 alter the formulation of the "direct supervision" requirement for applicants relying on office experience to satisfy the qualifying experience requirement for licensure as an architect. There is no change to the existing "direct supervision" requirement as it applies to applicants seeking licensure as a landscape architect. Chapters 12, 13 and 19 update references to the NCARB and CLARB educational and experience standards relied upon by the board.

FINDINGS UNDER CRITERIA CONTAINED IN EXECUTIVE ORDER 20 FY 11/12:

(A) The proposed rule will not negatively impact job growth or creation; (B) There are no fees included in the rule; (C) There is no cost to the public in terms of time and money required to comply with the rule; (D) No other state laws or rules already address the subject matter of this rule; (E) There are no relevant federal standards.

FISCAL IMPACT OF THE RULE: None

***FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:

BENEFITS OF THE RULE:

*Note: If necessary, additional pages may be used.*

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION****288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS****Chapter 10: DEFINITIONS**

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**Summary:** This chapter defines specialized terms used throughout the board's rules.

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**1. Definitions**

As used in the board's rules, unless the context otherwise indicates, the following words have the following meanings:

1. **ARE.** "ARE" means Architect Registration Examination.
2. **CACB.** "CACB" means Canadian Architectural Certification Board.
3. **CIDA.** "CIDA" means Council for Interior Design Accreditation.
4. **CLARB.** "CLARB" means Council of Landscape Architectural Registration Boards.
5. ~~**Direct supervision.** "Direct supervision" means that degree of supervision by a person overseeing the work of another, where both perform their work in the same office, where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.~~
- 6.5. **Diversified experience in landscape architecture.** "Diversified experience in landscape architecture" means documented involvement in site analysis, site programming, design, construction documentation, code research, cost estimation and field observation across a range of project scales, project types and project settings.
- 7.6. **LAAB.** "LAAB" means Landscape Architectural Accreditation Board.
- 8.7. **LARE.** "LARE" means Landscape Architect Registration Examination.
- 9.8. **Licensee.** "Licensee" means an architect, landscape architect or certified interior designer who is licensed by the board.
- 10.9. **NAAB.** "NAAB" means National Architectural Accrediting Board.

~~11.10.~~ **NCARB.** “NCARB” means National Council of Architectural Registration Boards.

~~12.11.~~ **NCIDQ.** “NCIDQ” means National Council of Interior Design Qualification.

~~13.12.~~ **Prototypical building.** “Prototypical building” means any commercial building or space within a commercial building that is intended to be constructed in multiple locations, and in fact then has been constructed in multiple locations, and which conveys an owner’s intended uniform business program, plan or image.

~~14.13.~~ **Prototypical building documents.** “Prototypical building documents” means technical submissions for prototypical buildings. Prototypical building documents do not comprise a final, comprehensive set of design and construction documents because a prototypical building also requires adaptations for local conditions, including site conditions, and may require additional design as well.

~~15.14.~~ **Regionally-accredited institution.** “Regionally-accredited institution” means an educational institution accredited by a regional institutional accrediting agency recognized by the U.S. Department of Education, or a Canadian educational institution accredited by a provincial ministry of education.

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STATUTORY AUTHORITY: 32 MRSA §214(1)

EFFECTIVE DATE:

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION****288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS****Chapter 12: LICENSURE OF ARCHITECTS**

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**Summary:** This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as an architect.

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**1. Overview**

Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.

**2. Qualifying Education****1. Professional Degree in Architecture From an Accredited Program**

- A. The applicant received a Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in the United States and the degree program was accredited by NAAB not later than 2 years after the degree was received;
- B. The applicant received a Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in Canada and the degree program was accredited by CACB not later than 2 years after the degree was received; or
- C. The applicant received a Bachelor of Architecture, Master of Architecture or equivalent or higher degree from a Canadian university that was certified by CACB.

**2. Professional Degree in Architecture From a Non-Accredited Program**

The applicant received a professional degree from an architectural degree program that was neither accredited nor certified as described in Section 2(1) of this chapter, but which satisfied the credit hour and area distribution requirements for coursework set forth in the NCARB Education ~~Requirements~~ Standard as

~~described~~~~contained~~ in “NCARB Education ~~Standard 2006–2007,” pp. 5–13~~  
(~~NCARB July 2006~~)Guidelines, pp. 23-31 (NCARB January 2012).

### 3. **Pre-Professional Degree in Architectural Studies**

The applicant received a 4-year baccalaureate degree with a concentration in architecture that is a component of an NAAB-accredited, CACB-accredited or CACB-certified professional degree program, including but not limited to:

- Bachelor of Science in Architecture
- Bachelor of Science in Architectural Studies
- Bachelor of Science with a major in architecture
- Bachelor of Fine Arts in Architecture

### 4. **Degree in Field Other Than Architecture**

The applicant received a bachelor degree or higher from a regionally-accredited institution in a field other than architecture.

## 3. **Qualifying Experience**

### 1. **NCARB Intern Development Program**

The applicant completed the NCARB Intern Development Program of at least 3 years duration. Completion of the internship is deemed equivalent to 3 years of qualifying experience.

### 2. **Canadian Internship**

The applicant completed a 5600-hour Canadian provincial Internship in Architecture, as verified by the candidate’s Canadian Experience Record Book. Completion of the internship is deemed equivalent to 3 years of qualifying experience.

### 3. **Office Experience**

The applicant acquired practical experience under the direct supervision of an experienced architect or architects engaged in the practice of architecture as a profession, and can demonstrate the minimum experience shown below in each of the following training categories and training areas, which are described more specifically in ~~Appendix D to the “Intern Development Program Guidelines 2007–2008 (NCARB October 2007):”~~Intern Development Program Guidelines (NCARB April 2012), pp. 21-31.

For purposes of this subsection, “direct supervision” means supervision through personal contact or through a mix of personal contact and remote communication

(e.g. e-mail, online markups, webinars, internet) such that the supervisor has control over the work of the supervisee and has sufficient professional knowledge of the supervised work so that the supervisor can determine that the supervisee understands and is performing his or her work experience within the professional standard of care.



Training Category/ Training Area	Minimum Percentage of Overall Experience
<del>Design and Construction Documents.....</del>	<del>50%</del>
<del>— Programming</del>	
<del>— Site and Environmental Analysis</del>	
<del>— Schematic Design</del>	
<del>— Engineering Systems Coordination</del>	
<del>— Building Cost Analysis</del>	
<del>— Code Research</del>	
<del>— Design Development</del>	
<del>— Construction Documents</del>	
<del>— Specifications and Materials Research</del>	
<del>— Document Checking and Coordination</del>	
<del>Construction Contract Administration.....</del>	<del>10%</del>
<del>— Bidding and Contract Negotiation</del>	
<del>— Construction Phase— Office</del>	
<del>— Construction Phase— Observation</del>	
<del>Management.....</del>	<del>5%</del>
<del>— Project Management</del>	
<del>— Office Management</del>	
<del>Pre-Design.....</del>	<del>5%</del>
<del>— Programming</del>	
<del>— Site and Building Analysis</del>	
<del>— Project Cost and Feasibility</del>	
<del>— Planning and Zoning Regulations</del>	
<del>Design.....</del>	<del>46%</del>
<del>— Schematic Design</del>	
<del>— Engineering Systems</del>	
<del>— Construction Cost</del>	
<del>— Codes &amp; Regulations</del>	
<del>— Design and Development</del>	
<del>— Construction Documents</del>	
<del>— Material Selection and Specification</del>	
<del>Project Management.....</del>	<del>13%</del>
<del>— Bidding &amp; Contract Negotiation</del>	
<del>— Construction Admin</del>	
<del>— Construction Phase Observation</del>	
<del>— General Project Management</del>	
<del>Practice Management.....</del>	<del>1.5%</del>
<del>— Business Operations</del>	

#### **4. Education and Experience: Pathways to Licensure**

An applicant shall demonstrate an acceptable combination of education and experience, or experience alone, as described in the 4 pathways to licensure contained in this section.

##### **1. Professional Degree and Experience**

The applicant received a professional degree in architecture from an accredited or non-accredited program and completed 3 years of qualifying experience.

##### **2. Pre-Professional Degree and Experience**

The applicant received a pre-professional degree in architectural studies and completed 9 years of qualifying experience.

##### **3. Degree in Field Other Than Architecture and Experience**

The applicant received a bachelor degree or higher in a field other than architecture and completed 11 years of qualifying experience.

##### **4. Experience Alone**

The applicant has no post-secondary baccalaureate or higher degree and completed 13 years of qualifying experience.

#### **5. Examination**

The current examination for architects is the Architect Registration Examination developed by NCARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the ARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by NCARB. Passing grades shall be as determined by NCARB.

#### **6. Licensure Without Examination (Reciprocity)**

##### **1. With NCARB Certificate**

An architect license may be issued without examination to an applicant who is currently licensed in another state and holds a current and valid NCARB certificate.

##### **2. Without NCARB Certificate**

An architect license may be issued without examination to an applicant who is currently licensed in another state or foreign country provided that the board determines that the requirements for licensure in the other state or foreign country at the time of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter.

## **7. Display of License Number**

### **1. Advertising and Promotional Materials**

An architect shall display the legend “Maine Licensed Architect” in all advertising and promotional materials published by or on behalf of the named architect that relate to architectural services for Maine-located projects. Such materials include but are not limited to telephone directories, newspaper and magazine advertisements, and web sites.

### **2. Correspondence and Business Cards**

An architect shall display the legend “Maine Licensed Architect” on the architect’s business card and beneath the architect’s name on all professional correspondence, proposals and solicitations signed by or on behalf of the named architect for Maine-located projects.

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STATUTORY AUTHORITY: 32 MRSA §§ 214(1) and 220(1)(B)

EFFECTIVE DATE:

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION****288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS****Chapter 13: LICENSURE OF LANDSCAPE ARCHITECTS**

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**Summary:** This chapter sets forth the educational qualifications, experience and examination requirement necessary for licensure as a landscape architect.

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**1. Overview**

Qualifying education is described in Section 2 of this chapter. Qualifying experience is described in Section 3 of this chapter. An applicant qualifies for licensure by satisfying the education and experience requirements set forth in Section 4 of this chapter and by passing the examination described in Section 5 of this chapter. In addition, landscape architects licensed in other jurisdictions may qualify for licensure without examination as described in Section 6 of this chapter.

**2. Qualifying Education****1. First Professional Degree in Landscape Architecture from an Accredited Program**

The applicant received a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree from a program that was accredited by LAAB or the Canadian Society of Landscape Architects Accreditation Council. Any degree awarded less than two years prior to the accreditation of the program will be accepted as an accredited degree. Any degree awarded after a program has ceased to be accredited will not be accepted as an accredited degree.

**2. Non-Accredited Landscape Architecture Degree Programs; Graduate Degrees in Other Design Disciplines**

A. The applicant received a Bachelor of Landscape Architecture, Bachelor of Science in Landscape Architecture, Master of Landscape Architecture or equivalent or higher degree from a program that was not accredited as described in Section 2(1) of this chapter.

B. The applicant received:

- (1) A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution and the degree

program was accredited by NAAB not later than 2 years after the degree was received;

- (2) A Bachelor of Architecture, Master of Architecture or equivalent or higher degree from an academic institution in Canada and the degree program was accredited by CACB not later than 2 years after the degree was received; or
- (3) A Bachelor of Architecture, Master of Architecture or equivalent degree from a Canadian university that was certified by CACB.

C. The applicant received a degree in civil engineering from an academic institution accredited by ABET.

### 3. **Other Bachelor Degree**

The applicant received a bachelor degree or higher from a regionally-accredited institution in a field other than landscape architecture, architecture or civil engineering.

### 3. **Qualifying Experience**

Qualifying experience consists of:

- 1. Diversified experience in landscape architecture lawfully practicing as a principal;
- 2. Diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice;
- 3. Diversified experience directly related to landscape architecture under the direct supervision of a civil engineer, licensed architect or credentialed planner;
- 4. 50% of the applicant's experience teaching in a LAAB-accredited program;
- 5. 50% of the applicant's experience in landscape architecture directly related to on-site construction, maintenance or installation procedures; or
- 6. 50% of the applicant's non-diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice, civil engineer, licensed architect or urban or regional planner.

For purposes of this section, "direct supervision" means that degree of supervision by a person overseeing the work of another, where both perform their work in the same office.

where personal contact is routine, and whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his/her supervision.

Qualifying experience is further subject to the evaluation criteria contained in “Standard of Eligibility for Council Certification,” Section 3.3.3 – 3.3.7 (CLARB ~~1990~~2006).

#### **4. Education and Experience: Pathways to Licensure**

An applicant shall demonstrate an acceptable combination of education and experience as described in the 4 pathways to licensure contained in this section.

##### **1. Landscape Architecture Degree From Accredited Program and Experience**

The applicant received a first professional degree in landscape architecture from an accredited program and completed

- A. Two years of qualifying experience other than practice as a principal, of which at least 1 year consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or
- B. Five years of diversified experience in landscape architecture lawfully practicing as a principal.

##### **2. Landscape Architecture Degree From Non-Accredited Program/Other Graduate Design Degree and Experience**

The applicant received a landscape architecture degree from a non-accredited program, or a graduate degree in another design discipline, and completed

- A. Three years of qualifying experience other than practice as a principal, of which at least 2 years consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice; or
- B. One year of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.

##### **3. Other Bachelor Degree and Experience**

The applicant received a bachelor degree or higher from a regionally-accredited institution in a field other than landscape architecture, architecture or civil engineering and completed

- A. Five years of qualifying experience other than practice as a principal, of which at least 4 years consisted of diversified experience in landscape

architecture under the direct supervision of a landscape architect lawfully authorized to practice; or

- B. Three years of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice and 5 years of diversified experience in landscape architecture lawfully practicing as a principal.

#### **4. Experience Alone**

The applicant has no post-secondary baccalaureate or higher degree and has completed 12 years of qualifying experience other than practice as a principal, at least half of which consisted of diversified experience in landscape architecture under the direct supervision of a landscape architect lawfully authorized to practice.

### **5. Examination**

The current examination for landscape architects is the Landscape Architecture Registration Examination developed by CLARB. Unless examination is waived by law, the applicant must achieve a passing grade on each division of the LARE within any 5-year examination period. The time, place and manner of examination administration shall be as determined by CLARB. Passing grades shall be as determined by CLARB.

### **6. Licensure Without Examination (Reciprocity)**

#### **1. With CLARB Certificate**

A landscape architect license may be issued without examination to an applicant who—

- A. Holds a current and valid CLARB certificate; and
- B. Obtained the CLARB certificate through having passed an examination described in Section 5 of this chapter.

#### **2. Without CLARB Certificate**

A landscape architect license may be issued without examination to an applicant who is currently licensed in another state or foreign country provided that the board determines that the requirements for licensure in the other state or foreign country at the time of the applicant's initial licensure are equivalent to the requirements for licensure by examination contained in this chapter.

### **7. Display of Licensed Status**

#### **1. Advertising and Promotional Materials**

A landscape architect shall display the legend “Maine Licensed Landscape Architect” in all advertising and promotional materials published by or on behalf of the named landscape architect that relate to landscape architectural services for Maine-located projects. Such materials include but are not limited to telephone directories, newspaper and magazine advertisements, and web sites.

**2. Correspondence and Business Cards**

A landscape architect shall display the legend “Maine Licensed Landscape Architect” on the landscape architect’s business card and beneath the landscape architect’s name on all professional correspondence, proposals and solicitations signed by or on behalf of the named landscape architect for Maine-located projects.

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STATUTORY AUTHORITY: 32 MRSA §§ 214(1) and 220(2)(B)

EFFECTIVE DATE:



**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION****288 MAINE STATE BOARD FOR LICENSURE OF ARCHITECTS,  
LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS****Chapter 19: INCORPORATION BY REFERENCE**

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**Summary:** This chapter incorporates various external codes into the board's rules by reference.

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**1. Incorporation by Reference**

The board hereby incorporates the following codes and standards into the board's rules by reference:

**1. CLARB**

- A. Standards of Eligibility for Council Certification (CLARB ~~September 1990~~2006)

This publication is available from the Council of  
Landscape Architectural Registration Boards, 3949  
Pender Drive, Suite 120, Fairfax, VA 22030.

**2. NCARB**

- A. Intern Development Program Guidelines ~~2007-2008~~ (NCARB ~~October 2007~~April 2012)
- B. NCARB Education Standard ~~2006-2007, pp. 5-13~~ (NCARB ~~July 2006~~)contained in NCARB Education Guidelines, pp. 23-31 (NCARB January 2012).

These publications are available from the National Council of  
Architectural Registration Boards, 1801 K Street, NW, Suite ~~1100-K~~700-K, Washington, DC 20006.

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STATUTORY AUTHORITY: 32 MRSA §§ 214(1), 220(1)(B), 220(2)(B), ~~220-B(2) and (3)~~

EFFECTIVE DATE: